

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff/Respondent,

v.

Case No. 18-20324

Joshua Everette Kordish,

Sean F. Cox

United States District Court Judge

Defendant/Petitioner.

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**ORDER DENYING PETITIONER'S
MOTION FOR COUNSEL AND MOTION TO WAIVE PRESENCE**

Acting *pro se*, Defendant/Petitioner Joshua Everette Kordish ("Kordish") filed a Motion Under 28 U.S.C. § 2255 To Vacate, Set Aside, Or Correct Sentence. (ECF No. 39).

Kordish has also filed a motion asking to this Court to appoint counsel for him, to assist him in this matter. (ECF No. 46).

There is no constitutional right to the appointment of counsel in civil cases and the Court has broad discretion in determining whether counsel should be appointed. *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987). A habeas petitioner may obtain representation at any stage of the case "[w]henver the United States magistrate or the court determines that the interests of justice so require." 18 U.S.C. § 3006A(a)(2).

In the instant case, after careful examination of the facts and claims presented, the Court determines that the interests of justice do not require appointment of counsel at this time. As such, it is ORDERED that Kordish's motion for appoint of counsel is denied. If the Court later determines that a hearing is warranted, the Court will *sua sponte* reconsider appointment of counsel at that time.

Kordish has also filed a “Motion by Petitioner to Waive the Ability to be Present During the Determination of Motion 28 U.S.C. § 2555.” (ECF No. 45). The Court DENIES this motion. While the pending motion may be capable of resolution by the Court without a hearing, if the Court determines that a hearing is required, Defendant may need to be present for that hearing.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: September 14, 2020